

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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June 7, 2016

The Honorable Marsha Blackburn
Chair
Select Investigative Panel
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chair:

We wrote in early April to express our concerns that Panel Republicans are not conducting an objective, fact-based investigation but, instead, are relying on information and allegations from anti-abortion extremists. That concern has become a reality.

Over the past two months, Republicans have used documents and allegations from anti-abortion extremists to question witnesses during public hearings and depositions. Some of those documents can be found on the websites of anti-abortion extremists; others that are not in the public domain appear to have been passed directly to Republicans by some of these same groups. In your recent letters to the Department of Health and Human Services, you similarly base allegations of wrongdoing on documents and secret testimony that you continue to withhold from Democrats in violation of House rules.

Now, an additionally troubling possibility has come to light. Communications from lawyers representing an entity that you have targeted in your investigation indicate that – in addition to relying on information from anti-abortion extremists – Panel Republicans may be funneling information back to those individuals and groups.

As we recently learned, anti-abortion activists have been made aware of the legal representation for an entity contacted by the Panel, despite such information not being public.¹ These activists regularly protest and harass the doctor that you publicly identified by name in a press release as the latest target of your investigation and whom Rep. Diane Black then publicly compared to a convicted murderer.² This same provider has been the target of anti-abortion extremists for decades. A fire destroyed his family farm, killing 17 horses and family pets in claimed retaliation for the care he provides to women.³ The use of inflammatory rhetoric by Panel Republicans to publicly condemn this doctor – while also publicly announcing the date, time, and location of his appearance before the Panel – endangers his safety and that of many others. It also makes a mockery of any claim that he, or any information that he might provide, will be treated fairly or appropriately in this so-called “investigation.”

Your continued refusal to adopt rules to govern this investigation means that there are no protections for the information being demanded from this doctor or anyone else under your unilateral subpoenas. This includes information – such as records of victims of rape and personal financial information – that Congress has no right or need to know.

It is troubling enough that you are threatening to hold law-abiding doctors and researchers in contempt in order to obtain this information. Your refusal to adopt rules to foreclose the additional risk that highly sensitive and personal information might be released publicly or more selectively passed into the hands of anti-abortion extremists is inexcusable.

Assurances that you take seriously individual privacy and security concerns are insufficient. You reneged on promises to protect the individual privacy and security of a deposition witness.⁴ Just last week, Panel Republicans leaked letters to FOX News and posted documents on your website that contained names, contact information, and other personally identifiable information of doctors and researchers.⁵ You publicly advertised the date, location, and time that a doctor who lives in fear for his life would be compelled to appear before the Panel.

¹ Letter to Hon. Marsha Blackburn (May 27, 2016).

² Dr. Susan Berry, *Rep. Diane Black: ‘Little that Separates Late-Term Abortionist [Dr.] from Kermit Gosnell’*, BREITBART (May 16, 2016).


³ Lena H. Sun, *Neb. doctor who performs abortions in Md. talks about security concerns, future of clinic*, WASH. POST (July 24, 2011).

⁴ Letter from Select Panel Democrats to Hon. Marsha Blackburn, Chair, Select Investigative Panel (Apr. 25, 2016); Letter from Ranking Member Jan Schakowsky to Hon. Marsha Blackburn, Chair, Select Investigative Panel (Apr. 28, 2016).

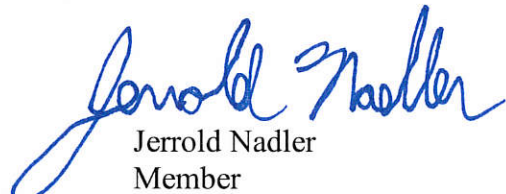
⁵ Letter from Ranking Member Jan Schakowsky to Hon. Marsha Blackburn, Chair, Select Investigative Panel (June 3, 2016).

We continue to believe that the Select Panel should be disbanded. In the meantime, we ask that you investigate whether information provided to Select Panel Republicans is being disclosed to anti-abortion extremists and take steps to address and prevent any such leaks.

Sincerely,



Jan Schakowsky
Ranking Member
Select Investigative Panel



Jerrold Nadler
Member
Select Investigative Panel




Diana DeGette
Member
Select Investigative Panel



Jackie Speier
Member
Select Investigative Panel



Suzan K. DelBene
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